

BRAND MARKETING



May 31, 2019

Ms. Camille Fassett
MudRock News
DEPT MR 70672
411A Highland Avenue
Somerville, MA 02144-2516

RE: FOIA Case No. 2019-FPRO-00708

Dear Ms. Fassett:

This is in response to your Freedom of Information Act (FOIA) request dated March 19, 2019. Specifically, you requested emails and documents between USPS employees and fashion retailer Forever 21.

Enclosed are 25 email documents, a portion of each record material has been withheld pursuant to FOIA Exemption 3.

FOIA Exemption 3 allows agencies to withhold records that are exempt from disclosure under FOIA by another statute that "establishes particular criteria for withholding or refers to particular types of matters to be withheld." 5 U.S.C. § 552(b)(3). Section 410(c)(1) of Title 39, U.S. Code, provides that the name or address, past or present, of any Postal Service customer is exempt from disclosure requirements of the FOIA. Section 410(c)(2) of Title 39, U.S. Code, provides that information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good practice would not be publicly disclosed is exempt from disclosure requirements of the FOIA. This section was enacted as part of the Postal Reorganization Act, 39 U.S.C. §§ 101 et seq. (1970), which designated the Postal Service as an independent establishment of the executive branch and generally directed it to conduct its operations in accordance with sound business principle. Section 410(c)(2) operates both independently and as an exempt statute within the scope of Exemption 3.

If you are not satisfied with the response to this request, you may file an administrative appeal within 90 days of the date of this response letter by writing to:

General Counsel U.S. Postal Service
475 L'Enfant Plaza SW
Washington, DC 20260
or via email at FOIAAppeal@usps.gov

Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request. The letter of appeal should include, as applicable:

- (1) A copy of the request, of any notification of denial or other action, and of any other related correspondence;
- (2) The FOIA tracking number assigned to the request;
- (3) A statement of the action, or failure to act, from which the appeal is taken;
- (4) A statement identifying the specific redactions to responsive records that the requester is challenging;
- (5) A statement of the relief sought; and
- (6) A statement of the reasons why the requester believes the action or failure to act is erroneous.

For further assistance and to discuss any aspect of your request, you may contact any of the *FOIA Public Liaison* listed below:

For further assistance and to discuss any aspect of your request, you may contact any of the following:

Privacy & Records Office
US Postal Service
475 L'Enfant Plaza SW RM 1P830
Washington, DC 20260-1101
Phone (202) 268-2608
Fax: (202) 268-5353
FOIA Public Liaison: Jan Eyre

Brand Marketing
U.S. Postal Service
475 L'Enfant Plaza SW RM 5100
Washington, DC 20260-5658
Phone (202) 268-7998
Mgr. Stamp Products & Exhibitions: Amity Kirby,
amity.c.kirby@usps.gov

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services,

National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
e-mail at ogis@nara.gov
telephone at 202-741-5770
toll free at 1-877-684-6448
or facsimile at 202-741-5769

Sincerely,

Amity Kirby
Manager, Stamp Products & Exhibitions

202-268-7998